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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,791	08/10/2006	Ahmad D. Vakili	U 015997-2	7939

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EXAMINER	
TENTONI, LEO B	
ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
08/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com
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Office Action Summary	Application No.	Applicant(s)	
	10/565,791	VAKILI ET AL.	
	Examiner	Art Unit	
	Leo B. Tentoni	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-28* is/are pending in the application.

4a) Of the above claim(s) *8-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 April 2011 has been entered.

Election/Restrictions

2. Claims 8-28 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 28 January 2010.

Claim Objections

3. Claim 1 is objected to because of the following informalities: In claim 1, step f), the words "thereafter" and "passing" are misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers et al (U.S. Patent 5,648,041 A).

Rodgers et al (see the entire document, in particular, col. 1, lines 41-46; col. 2, lines 4-15; col. 2, line 53 to col. 3, line 7; col. 4, lines 47-65; col. 5, line 43 to col. 7, line 16; claims 4 and 5) teaches a process of making a fibrous product including the steps of a) heating a spinnable substance to a temperature sufficient to allow the spinnable substance to flow, b) forming at least one fiber by passing the spinnable substance into a spinning apparatus and through at least one capillary located within the spinning apparatus, wherein the fiber has an initial velocity, c) contacting the at least one fiber with at least one flowing stream of gas, d) contacting the fiber with at least an additional flowing stream of gas to place the fiber under tension, wherein the velocity of the at least one additional flowing gas stream is greater than the initial velocity of the fiber, e) passing the at least one fiber and the additional flowing stream of gas into a venture, f) thereafter passing the at least one fiber into a diffuser, g) dissipating the at least one additional flowing stream of gas thereby reducing the velocity of the fiber to a final velocity (this is inherent in Rodgers et al because the structure of the diffusion chamber (i.e., the diffuser) of Rodgers et al, like the structure of the instant diffuser, dissipates the additional flowing gas

stream (see Figures 1 and 2 and col. 4, lines 47-59 of Rodgers et al and compare with instant Figure 1)), h) passing the fiber out of the diffuser at a final velocity, and i) collecting the fiber to form a fibrous product.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers et al (U.S. Patent 5,648,041 A).

Rodgers et al (see the entire document, in particular, col. 1, lines 41-46; col. 2, lines 4-15; col. 2, line 53 to col. 3, line 7; col. 4, lines 47-65; col. 5, line 43 to col. 7, line 16; claims 4 and 5) teaches a process of making a fibrous product including the steps of a) heating a spinnable substance to a temperature sufficient to allow the spinnable substance to flow, b) forming at least one fiber by passing the spinnable substance into a spinning apparatus and through at least one capillary located within the spinning apparatus, wherein the fiber has an initial velocity, c) contacting the at least one fiber with at least one flowing stream of gas, d) contacting the fiber with at least an additional flowing stream of gas to place the fiber under tension, wherein the velocity of the at least one additional flowing gas stream is greater than the initial velocity of the fiber, e) passing the at least one fiber and the additional flowing stream of gas into a venture, f) thereafter passing the at least one fiber into a diffuser, g) dissipating the at least one additional flowing stream of gas, h) passing the fiber out of the diffuser at a final velocity, and i) collecting the fiber to form a fibrous product. Rodgers et al does not explicitly teach that dissipating the at least one additional flowing stream of gas reduces the velocity of the fiber to a final velocity (Rodgers et al does teach dissipating the at least one additional flowing stream of gas). However, reducing the velocity of the fiber to a final velocity by dissipating the at least one additional flowing stream of gas would have been

obvious to one of ordinary skill in the art at the time the invention was made in the process of Rodgers et al because the structure of the diffusion chamber (i.e., the diffuser) of Rodgers et al, like the structure of the instant diffuser, dissipates the additional flowing gas stream (see Figures 1 and 2 and col. 4, lines 47-59 of Rodgers et al and compare with instant Figure 1). Increasing (or decreasing or varying) the volumetric density of a fibrous product would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Rodgers et al in order to manufacture a fibrous product having a desired volumetric density (or porosity) for a desired application (e.g., filter). The ratio of initial velocity to final velocity would have been obvious to, and readily determined by, one of ordinary skill in the art at the time the invention was made in the process of Rodgers et al because this ratio depends on (among other factors) the size of the passage and openings of the diffuser, and the properties desired in the fibrous product.

Response to Arguments

9. Applicant's arguments filed on 21 March 2011 have been fully considered but they are not persuasive.

10. Applicant argues (page 1) that Rodgers et al does not teach that the additional gas flow contacts the fiber before the fiber enters the venture. Examiner responds that Rodgers et al does teach that the additional gas flow contacts the fiber before the

fiber enters the venture (see col. 2, lines 4-15 of Rodgers et al).

11. Applicant argues (page 1) that Rodgers et al does not teach control of the exhaust as set forth in amended claim 3. Examiner responds that Rodgers et al does teach this feature (see col. 4, lines 60-65 of Rodgers et al, which describes that the diffusion chamber (or diffuser) gradually opens to the atmosphere (e.g., screened or perforated chamber), which allows for at least sideways components for an exhaust gas stream).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leo B Tentoni/
Primary Examiner, Art Unit 1742